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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **R.F.A. No. 1718 of 2001**
Date of Decision: 24.9.2007

Atam Parkash **...Appellant**

Versus

State of Haryana and others **...Respondents**

2. **R.F.A. No. 957 of 2001**

Ram Kishan and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

3. **R.F.A. No. 958 of 2001**

Rajbir and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

4. **R.F.A. No. 959 of 2001**

Jai Chand (died) through L. Rs. **...Appellants**

Versus

State of Haryana and others **...Respondents**

5. **R.F.A. No. 1384 of 2001**

Hans Raj Malik **...Appellant**

Versus

State of Haryana and others **...Respondents**

6. **R.F.A. No. 1715 of 2001**

Harjinder Singh and others **...Appellants**

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Versus

State of Haryana and others **...Respondents**

7. **R.F.A. No. 1716 of 2001**

Harjinder Singh and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

8. **R.F.A. No. 1717 of 2001**

Jiwan Singh and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

9. **R.F.A. No. 1740 of 2001**

Shyam Singh and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

10. **R.F.A. No. 1764 of 2001**

Naresh Kumar **...Appellant**

Versus

State of Haryana and others **...Respondents**

11. **R.F.A. No. 1765 of 2001**

Dev Raj **...Appellant**

Versus

State of Haryana and others **...Respondents**

12. **R.F.A. No. 1766 of 2001**

Naresh Kumari and others **...Appellants**

Versus

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State of Haryana and others **...Respondents**

13. **R.F.A. No. 1930 of 2001**

Yaswant Lal and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

14. **R.F.A. No. 1931 of 2001**

Umesh **...Appellant**

Versus

State of Haryana and others **...Respondents**

15. **R.F.A. No. 1932 of 2001**

Ashok Kumar **...Appellant**

Versus

State of Haryana and others **...Respondents**

16. **R.F.A. No. 1933 of 2001**

Sham Sunder **...Appellant**

Versus

State of Haryana and others **...Respondents**

17. **R.F.A. No. 1991 of 2001**

Om Parkash **...Appellant**

Versus

State of Haryana and others **...Respondents**

18. **R.F.A. No. 1997 of 2001**

Kundan **...Appellant**

Versus

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State of Haryana and others **...Respondents**

19. **R.F.A. No. 1998 of 2001**

Suraj Mal and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

20. **R.F.A. No. 2173 of 2001**

Udho Dass **...Appellant**

Versus

State of Haryana and others **...Respondents**

21. **R.F.A. No. 2174 of 2001**

Bhagwan Dass **...Appellant**

Versus

State of Haryana and others **...Respondents**

22. **R.F.A. No. 2185 of 2001**

Smt. Shimla Bhatia **...Appellant**

Versus

State of Haryana and others **...Respondents**

23. **R.F.A. No. 2186 of 2001**

Vineet Bhatia **...Appellant**

Versus

State of Haryana and others **...Respondents**

24. **R.F.A. No. 2188 of 2001**

Ravinder Bhatia **...Appellant**

Versus

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State of Haryana and others **...Respondents**

25. **R.F.A. No. 2611 of 2001**

Jai Bhagwan and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

26. **R.F.A. No. 2612 of 2001**

Malik Sobh Raj and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

27. **R.F.A. No. 2621 of 2001**

Malik Sobh Raj and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

28. **R.F.A. No. 2622 of 2001**

Risala (died) through L. Rs. **...Appellants**

Versus

State of Haryana and others **...Respondents**

29. **R.F.A. No. 2623 of 2001**

Jugti and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

30. **R.F.A. No. 2624 of 2001**

Mange Ram **...Appellant**

Versus

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State of Haryana and others **...Respondents**

31. **R.F.A. No. 2625 of 2001**

Baldeva **...Appellant**

Versus

State of Haryana and others **...Respondents**

32. **R.F.A. No. 2626 of 2001**

Malik Sobh Raj (died) through L. Rs **...Appellants**

Versus

State of Haryana and others **...Respondents**

33. **R.F.A. No. 2627 of 2001**

Ramesh Kumar and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

34. **R.F.A. No. 2648 of 2001**

Smt. Sudha **...Appellant**

Versus

State of Haryana and others **...Respondents**

35. **R.F.A. No. 2678 of 2001**

Parbhat Kumar and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

36. **R.F.A. No. 2718 of 2001**

Harish Chand and others **...Appellants**

Versus

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State of Haryana and others ...Respondents

37. **R.F.A. No. 2741 of 2001**

Anil Kumar ...Appellant

Versus

State of Haryana and others ...Respondents

38. **R.F.A. No. 2767 of 2001**

Smt. Ram Piari and another ...Appellants

Versus

State of Haryana and others ...Respondents

39. **R.F.A. No. 2786 of 2001**

Jai Chand and others ...Appellants

Versus

State of Haryana and others ...Respondents

40. **R.F.A. No. 2787 of 2001**

Harbans Lal and others ...Appellants

Versus

State of Haryana and others ...Respondents

41. **R.F.A. No. 2788 of 2001**

Muni Ram and others ...Appellants

Versus

State of Haryana and others ...Respondents

42. **R.F.A. No. 2790 of 2001**

Smt Jai Mala and another ...Appellants

Versus

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State of Haryana and others **...Respondents**

43. **R.F.A. No. 3257 of 2001**

Gopal Dass **...Appellant**

Versus

State of Haryana and others **...Respondents**

44. **R.F.A. No. 3258 of 2001**

Smt Lajwanti **...Appellant**

Versus

State of Haryana and others **...Respondents**

45. **R.F.A. No. 3386 of 2001**

Sanjay and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

46. **R.F.A. No. 3460 of 2001**

Net Ram and another **...Appellants**

Versus

State of Haryana and others **...Respondents**

47. **R.F.A. No. 4434 of 2001**

Sardar Singh and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

48. **R.F.A. No. 4473 of 2001**

Sudhir Kumar and others **...Appellants**

Versus

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State of Haryana and others **...Respondents**

49. **R.F.A. No. 4701 of 2001**

Kehari and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

50. **R.F.A. No. 5049 of 2001**

Surat Singh and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

51. **R.F.A. No. 5050 of 2001**

Surat Singh **...**

Appellant **Versus**

State of Haryana and others **...Respondents**

52. **R.F.A. No. 5150 of 2001**

Krishna Kumari and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

53. **R.F.A. No. 5431 of 2001**

Jai Pal and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

54. **R.F.A. No. 5647 of 2001**

State of Haryana and another **...Appellants**

Versus

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Sham Sunder and another **...Respondents**

55. **R.F.A. No. 5648 of 2001**

State of Haryana and another **...Appellants**

Versus

Ram Phal and others **...Respondents**

56. **R.F.A. No. 5649 of 2001**

State of Haryana and another **...Appellants**

Versus

Raj Rani and another **...Respondents**

57. **R.F.A. No. 5650 of 2001**

State of Haryana and another **...Appellants**

Versus

Tej Bhan and another **...Respondents**

58. **R.F.A. No. 5651 of 2001**

State of Haryana and another **...Appellants**

Versus

Malik Sobh Raj and others **...Respondents**

59. **R.F.A. No. 5652 of 2001**

State of Haryana and another **...Appellants**

Versus

Kishan Chand and another **...Respondents**

60. **R.F.A. No. 5653 of 2001**

State of Haryana and another **...Appellants**

Versus

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Harjinder Singh and others **...Respondents**

61. **R.F.A. No. 5654 of 2001**

State of Haryana and another **...Appellants**

Versus

Kundan and another **...Respondents**

62. **R.F.A. No. 5655 of 2001**

State of Haryana and another **...Appellants**

Versus

Jai Chand and others **...Respondents**

63. **R.F.A. No. 5656 of 2001**

State of Haryana and another **...Appellants**

Versus

Jiwan Singh and others **...Respondents**

64. **R.F.A. No. 5657 of 2001**

State of Haryana and another **...Appellants**

Versus

Vikram Bhatia and another **...Respondents**

65. **R.F.A. No. 5658 of 2001**

State of Haryana and another **...Appellants**

Versus

Jai Pal and others **...Respondents**

66. **R.F.A. No. 5659 of 2001**

State of Haryana and another **...Appellants**

Versus

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Municipal Committee, Sonepat and another ...Respondents

67. R.F.A. No. 5660 of 2001

State of Haryana and another ...Appellants

Versus

Ravinder Kumar and others ...Respondents

68. R.F.A. No. 5661 of 2001

State of Haryana and another ...Appellants

Versus

Ramesh Kumar and others ...Respondents

69. R.F.A. No. 5662 of 2001

State of Haryana and another ...Appellants

Versus

Harbans Lal and others ...Respondents

70. R.F.A. No. 5663 of 2001

State of Haryana and another ...Appellants

Versus

Lal Chand and another ...Respondents

71. R.F.A. No. 5664 of 2001

State of Haryana and another ...Appellants

Versus

Risala and another ...Respondents

72. R.F.A. No. 5665 of 2001

State of Haryana and another ...Appellants

Versus

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Net Ram and others **...Respondents**

73. **R.F.A. No. 5666 of 2001**

State of Haryana and another **...Appellants**

Versus

Smt. Shimla Bhatia and another **...Respondents**

74. **R.F.A. No. 5667 of 2001**

State of Haryana and another **...Appellants**

Versus

Harjinder Singh and others **...Respondents**

75. **R.F.A. No. 5668 of 2001**

State of Haryana and another **...Appellants**

Versus

Dharam Pal and others **...Respondents**

76. **R.F.A. No. 5669 of 2001**

State of Haryana and another **...Appellants**

Versus

Baldeva and another **...Respondents**

77. **R.F.A. No. 5670 of 2001**

State of Haryana and another **...Appellants**

Versus

Dev Raj and another **...Respondents**

78. **R.F.A. No. 5671 of 2001**

State of Haryana and another **...Appellants**

Versus

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Raj Rani and another **..Respondents**

79. **R.F.A. No. 5672 of 2001**

State of Haryana and another **...Appellants**

Versus

Shiv Nath Rai and another **...Respondents**

80. **R.F.A. No. 5673 of 2001**

State of Haryana and another **...Appellants**

Versus

Udho Dass and another **...Respondents**

81. **R.F.A. No. 5674 of 2001**

State of Haryana and another **...Appellants**

Versus

Bhagwan Dass and another **...Respondents**

82. **R.F.A. No. 5675 of 2001**

State of Haryana and another **...Appellants**

Versus

Municipal Committee, Sonepat and another **...Respondents**

83. **R.F.A. No. 5676 of 2001**

State of Haryana and another **...Appellants**

Versus

Hans Raj Malik and another **...Respondents**

84. **R.F.A. No. 5677 of 2001**

State of Haryana and another **...Appellants**

Versus

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Surat Singh and another **...Respondents**

85. **R.F.A. No. 5678 of 2001**

State of Haryana and another **...Appellants**

Versus

Gulab Singh and others **...Respondents**

86. **R.F.A. No. 5679 of 2001**

State of Haryana and another **...Appellants**

Versus

Ram Kishan and others **...Respondents**

87. **R.F.A. No. 5680 of 2001**

State of Haryana and another **...Appellants**

Versus

Daya Nand and others **...Respondents**

88. **R.F.A. No. 5681 of 2001**

State of Haryana and another **...Appellants**

Versus

Smt. Lajwanti and another **...Respondents**

89. **R.F.A. No. 5682 of 2001**

State of Haryana and another **...Appellants**

Versus

Basham Lal and another **...Respondents**

90. **R.F.A. No. 5683 of 2001**

State of Haryana and another **...Appellants**

Versus

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Kehari and others **...Respondents**

91. **R.F.A. No. 5684 of 2001**

State of Haryana and another **...Appellants**

Versus

Yashwant Lal and others **...Respondents**

92. **R.F.A. No. 5685 of 2001**

State of Haryana and another **...Appellants**

Versus

Jai Bhagwan and others **...Respondents**

93. **R.F.A. No. 5686 of 2001**

State of Haryana and others **...Appellants**

Versus

Surat Singh and others **...Respondents**

94. **R.F.A. No. 5687 of 2001**

State of Haryana and another **...Appellants**

Versus

Jiwan Singh and others **...Respondent**

95. **R.F.A. No. 5688 of 2001**

State of Haryana and another **...Appellants**

Versus

Anil Kumar and another **...Respondents**

96. **R.F.A. No. 5689 of 2001**

State of Haryana and another **...Appellants**

Versus

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Ravinder Bhatia and another **...Respondents**

97. **R.F.A. No. 5690 of 2001**

State of Haryana and another **...Appellants**

Versus

Mange Ram and another **...Respondents**

98. **R.F.A. No. 5691 of 2001**

State of Haryana and another **...Appellants**

Versus

Vineet Bhatia and another **...Respondents**

99. **R.F.A. No. 5692 of 2001**

State of Haryana and another **...Appellants**

Versus

Shubh Ram and another **...Respondents**

100. **R.F.A. No. 5693 of 2001**

State of Haryana and another **...Appellants**

Versus

Parbhat Kumar and others **...Respondents**

101. **R.F.A. No. 5694 of 2001**

State of Haryana and another **...Appellants**

Versus

Gopal Dass and another **...Respondents**

102. **R.F.A. No. 5695 of 2001**

State of Haryana and another **...Appellants**

Versus

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Suraj Mal and others **...Respondents**

103. **R.F.A. No. 5696 of 2001**

State of Haryana and another **...Appellants**

Versus

Smt. Basanti and others **...Respondents**

104. **R.F.A. No. 5697 of 2001**

State of Haryana and another **...Appellants**

Versus

Om Parkash and another **...Respondents**

105. **R.F.A. No. 5698 of 2001**

State of Haryana and another **...Appellants**

Versus

Naresh Kumar and another **...Respondents**

106. **R.F.A. No. 5699 of 2001**

State of Haryana and another **...Appellants**

Versus

Smt. Sudha and another **...Respondents**

107. **R.F.A. No. 5700 of 2001**

State of Haryana and another **...Appellants**

Versus

Shyam Sunder and others **...Respondents**

108. **R.F.A. No. 5701 of 2001**

State of Haryana and another **...Appellants**

Versus

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Rajbir and others **...Respondents**

109. **R.F.A. No. 5702 of 2001**

State of Haryana and another **...Appellants**

Versus

Harish Kumar and another **..Respondents**

110. **R.F.A. No. 5703 of 2001**

State of Haryana and another **...Appellants**

Versus

Kanwal Nain Bhagwat and another **...Respondents**

111. **R.F.A. No. 5704 of 2001**

State of Haryana and another **...Appellants**

Versus

Pune and others **...Respondents**

112. **R.F.A. No. 5705 of 2001**

State of Haryana and another **...Appellants**

Versus

Jai Chand (died) through L.Rs and another **...Respondents**

113. **R.F.A. No. 5706 of 2001**

State of Haryana and another **...Appellants**

Versus

Net Ram and others **...Respondents**

114. **R.F.A. No. 5707 of 2001**

State of Haryana and another **...Appellants**

Versus

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Muni Ram and others **...Respondents**

115. **R.F.A. No. 5717 of 2001**

Kanwal Nain Bhagat **...Appellant**

Versus

State of Haryana and others **...Respondents**

116. **R.F.A. No. 5757 of 2001**

Smt, Basanti and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

117. **R.F.A. No. 5785 of 2001**

Municipal Council, Sonepat **...Appellant**

Versus

State of Haryana and others **...Respondents**

118. **R.F.A. No. 5786 of 2001**

Municipal Council, Sonepat **...Appellant**

Versus

State of Haryana and others **...Respondents**

119. **R.F.A. No. 419 of 2002**

Smt. Ram Piari and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

120. **R.F.A. No. 541 of 2002**

State of Haryana and another **...Appellants**

Versus

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Jai Mala and others **...Respondents**

121. **R.F.A. No. 542 of 2002**

State of Haryana and another **...Appellants**

Versus

Bhagwanti and another **...Respondent**

122. **R.F.A. No. 543 of 2002**

State of Haryana and another **...Appellants**

Versus

Himat Ram and another **...Respondents**

123. **R.F.A. No. 544 of 2002**

State of Haryana and another **...Appellants**

Versus

Rajeev and others **...Respondents**

124. **R.F.A. No. 545 of 2002**

State of Haryana and another **...Appellants**

Versus

Ram Phal and others **...Respondents**

125. **R.F.A. No. 546 of 2002**

State of Haryana and another **...Appellants**

Versus

Smt. Uttam Devi and others **...Respondents**

126. **R.F.A. No. 547 of 2002**

State of Haryana and another **...Appellants**

Versus

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Malik Sobh Raj and others **...Respondents**

127. **R.F.A. No. 548 of 2002**

State of Haryana and another **...Appellants**

Versus

Atam Parkash and another **...Respondents**

128. **R.F.A. No. 549 of 2002**

State of Haryana and another **...Appellants**

Versus

Umesh and another **...Respondents**

129. **R.F.A. No. 550 of 2002**

State of Haryana and another **...Appellants**

Versus

Malik Sobh Raj and another **...Respondents**

130. **R.F.A. No. 551 of 2002**

State of Haryana and another **...Appellants**

Versus

Naresh Kumar and others **...Respondents**

131. **R.F.A. No. 552 of 2002**

State of Haryana and another **...Appellants**

Versus

Harish Chand and another **...Respondents**

132. **R.F.A. No. 630 of 2002**

State of Haryana and another **...Appellants**

Versus

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Sanjay and others **...Respondents**

133. **R.F.A. No. 631 of 2002**

State of Haryana and another **...Appellants**

Versus

Sudhir Kumar and others **...Respondents**

134. **R.F.A. No. 3950 of 2002**

Dharam Pal and others **...Appellants**

Versus

State of Haryana and others **...Respondents**

135. **R.F.A. No. 2894 of 2003**

Bhagwanti **...Appellant**

Versus

State of Haryana and others **...Respondents**

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CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. M. L. Sarin, Senior Advocate with
Mr. Heman Sarin, Advocate for the appellants
in Appeals No. 1715, 1716, 1717 and 4434 of 2001

Mr. R. S. Mittal, Senior Advocate with
Mr. Narender Hooda, Advocate for the appellants
in Appeal No. 5050 of 2001

Mr. Harkesh Manuja, Advocate for the appellants
in Appeals No. 1764, 1765, 1766, 1932, 1933, 2648, 2786, 2788, 2787, 4701, and 5150 of 2001.

Mr. Vikas Sharma, Advocate for
Mr. S. S. Narula, Advocate for the appellants
in Appeals No. 2173 & 2174 of 2001.

Mr. S. P. Khatri, Advocate for the appellants in
Appeals No. 2611, 2612, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2767, 3386, 3460, 5757 of 2001 and 419 of 2002.

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Mr. Suvir Sehgal, Advocate for the appellants in
Appeals No. 2185,2186 and 2188 of 2001.

Mr. Hawa Singh Hooda, Advocate General, Haryana with
Mr. Rajeev Kawatra, Senior Deputy Advocate General, Haryana.

Mr. M.L.Sarin, Senior Advocate with
Mr. Hemant Sarin, Advocate for the respondents in
Appeals No. 5653, 5656, 5667, 5678 of 2001, 541 to 551, 630 and
631 of 2002.

Mr. R. S. Mittal, Senior Advocate with
Mr. Narender Hooda, Advocate for the respondents
in Appeals No. 5665, 5677, 5686 & 5706 of 2001

Mr. Raman Gaur, Advocate for the respondent-
Haryana Urban Development Authority.

Mr. Sikander Bakshi, Advocate for the respondent-Haryana Urban
Development Authority in Appeals No. 2788 and 5431 of 2001.

Mr. Vikas Sharma, Advocate for
Mr. S. S. Narula, Advocate for the respondents
in Appeals No. 5673 & 5674 of 2001.

Mr. Harkesh Manuja, Advocate for the respondents in
Appeals No. 5647, 5652, 5655, 5662, 5672, 5681, 5683, 5694,
5698 and 5699 of 2001.

Mr. Suvir Sehgal, Advocate for the respondents in
Appeal Nos. 5657, 5660, 5666 5689 and 5691 of 2001.

RAJESH BINDAL, J.

This order will dispose of bunch of cases bearing Regular First Appeal Nos. 957 to 959, 1384, 1715 to 1718, 1740, 1764 to 1766, 1930 to 1933, 1991, 1997, 1998, 2173, 2174, 2185, 2186, 2188, 2611, 2612, 2621 to 2627, 2648, 2678, 2718, 2741, 2767, 2786 to 2788, 2790, 3257, 3258, 3386, 3460, 4434, 4473, 4701, 5049, 5050, 5150, 5431, 5647 to 5707, 5717, 5757, 5785, 5786 of 2001, 419, 541 to 552, 630, 631, 3950 of 2002 and 2894 of 2003 as common questions of law and facts are involved.

2. The claim made in the appeals is for enhancement of compensation on account of acquisition land, whereas in the appeals filed by the State of Haryana, the prayer is to set aside the award passed by the learned Additional District Judge and to restore the award passed by the Land Acquisition Collector.

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3. Briefly the facts are that the vide notification No. LAC (G)-BKTA 90/225 dated May 17, 1990 issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"), the area of 778 Bighas 7 Biswas (162.5 acres) of land was acquired. The same was followed by notification No. LAC (G) NTLA/91/290 dated May 16, 1991 issued under Section 6 of the Act. The land was acquired for development and utilization thereof as residential area in Sector 12, Haryana Urban Development Authority, Sonepat. The award for acquisition was pronounced on May 12, 1993. The Collector awarded uniform rate of Rs. 2 lacs per acre for the entire land. The land owners dissatisfied with the award of the Collector filed objections under Section 18 of the Act claiming compensation ranging from Rs. 430/- to Rs. 4000/- per sq. yard. The objections were referred to the District Judge, Sonepat for its opinion.

4. On consideration the evidence on record, learned Additional District Judge, Sonepat vide his award dated January 12, 2001 ordered that the land situated on the left side of Sonepat Bahalgarh Road while going from Sonepat to National Highway No.1 i.e. G.T.Road, which is situated on the back side of ECE factory be assessed at Rs. 125/- per sq. yard, whereas the land situated on the right side of Sonepat Bahalgarh Road while going towards National Highway No.1 i.e. G.T.Road be assessed at Rs. 150/- per sq. yard. Besides that other statutory benefits were also granted.

5. Dissatisfied with the judgment and decree of the learned Court below, the land owners/claimants are before this Court seeking further enhancement of the compensation.

6. I have heard S/Shri M. L. Sarin and R.S.Mittal, learned Senior Counsels assisted by S/Shri Hemant Sarin, Narender Hooda, Harkesh Manuja, Vikas Sharma, S. P. Khatri, and Suvir Sehgal, Advocates appearing for the appellants/claimants and Shri Hawa Singh Hooda, learned Advocate General, Haryana assisted by Shri Rajeev Kawatra, Senior Deputy Advocate General, Haryana, Shri Raman Gaur, Shri Sikender Bakshi and Shri Vikas Sharma and with their assistance have perused the judgment of the Court below and also the relevant material pointed out in the evidence

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led by the parties.

7. Shri M. L. Sarin, learned Senior Counsel submitted that the assessment of compensation made by Court below is not in consonance with the material brought on record by the land owners/claimants as far as neither the sale deeds brought on record nor the potential value of the land in question has been considered. The fact that the part of the land was within the municipal limits had also been totally ignored while assessing the compensation. The wisdom of the Court below in awarding different rates of compensation on the land situated on two sides of the road has also been questioned as according to the learned counsel for the appellants, there is no basis for differentiating the land situated on two sides of the road. It was further submitted that the plots carved out in the acquired land by the Haryana Urban Development Authority were being sold at the rate of Rs. 1500/- to Rs. 2500/- per sq. yard which itself shows the value on the date of acquisition of land and further potential thereof. The award given by the State for acquisition of land in village Jamalpur Kalan, which was acquired exactly after two years of land in question on May 6, 1992, was also relied upon where the Collector himself had assessed the compensation @ Rs. 250/- per sq. yard. He submitted that no doubt the award was given two years after the land in question was acquired, however, still that shows the potential of the land which was even recognized by the respondents. It is further submitted that the land in question is better located than the land of village Jamalpur Kalan.

8. Learned Senior Counsel further submitted that the land is situated within the municipal area and accordingly its value could not possibly be assessed treating it to be an agricultural land as the same had the potential of being developed into urban area where all the facilities like road, lights, water and sewerage etc. would have been provided by the local authorities. He relied upon **Shri Lakhmi Dass and others Vs. The Punjab State and others 1977 Punjab Law Journal 464**, **State of Punjab and others Vs. Punni Devi alias Basant Kaur 1999 (1) Punjab Law Reporter, 183, The Jalandhar Improvement Trust, Jalandhar Vs.**

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Vidya Suri (Smt.) and others 2006 (1) LACC 109, Malkiat Kaur Vs. The State of Punjab and another 2005 (2) LACC 645 and **Om Parkash (D) by L. Rs. and others Vs. Union of India and another 2004 (3) Punjab Law Reporter 727**.

9. Shri R. S. Mittal, learned Senior Counsel and Mr. Sat Pal Khatri, learned counsel representing the land owners/claimants, primarily whose land is situated on the right side of the Sonepat-Bahalgarh Road while going from Sonepat towards National Highway No.1 (G.T.Road), submitted that the potential of this part of the land was much more than other chunk of land, which is situated on the other side of the road which is behind the ECE factory (now Osram India Limited). It was submitted that part of this land was already within the municipal limits, which shows that it was more than close to the Abadi area. Not only this Civil Hospital is just close to this land and infact the land being abutting the State Highway had much more potential than the land on the other side as even upto the extreme end of the acquisition boundary, there were substantial construction, which shows that even the existing value of the land was much more besides its future potential. Still further, it was submitted that the Court below had failed to assess the market value of the land in its true spirit as in the course of acquisition of a big chunk of land, the land situated on the State highway and the land located behind cannot be equated in price as belting system was required to be adopted and the land abutting the State Highway should have been assessed at much more price as compared to the land situated behind, which did not have any approach on the date of acquisition. Learned counsel relied upon the judgments in **Rishi Pal Singh and others Vs. Meerut Development Authority and another 2006 (3) SCC 205**, **Brij Lal Bishnoi Vs. State of Haryana 2000 (2) Punjab Law Reporter 323**, **Pawan Kumar and another Vs. Land Acquisition Collector and others 2000(2) Latest Judicial Reports 336**, **State of Haryana and another Vs. Phool Singh and another 2007 (1) Latest Judicial Reports 660** and judgment of this Court in **RFA No.2453 of 2000 (Smt. Chanderpati and others Vs. State of Haryana and another)**

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decided on May 30, 2007 where this court had assessed the compensation at Rs. 200/- per sq. yard for the land acquired in village Raipur, which is adjoining the village Fazalpur Kalan. However, as regards the land in village Raipur is concerned, it was submitted by learned counsel that the boundaries of the acquisition of the land in village were merely ten acres from the G. T. Road and 10 acres from Sonepat-Bahalgarh Road towards G.T.Road.

10. The primary reliance of Mr. Sarin, learned Senior Counsel appearing for the appellants is on sale deeds Ex. P-2 to Ex. P-14, which are as under:-

Exhibit No.	***Date of sale***	***Area***	***Sale Amount***	***Rate per sq. yard***
P-2	5.7.1984	1 Biswa	Rs. 10,000/-	Rs. 200/-
P-3	26.7.1984	1 Biswa	Rs. 10,000/-	Rs. 200/-
P-4	27.11.1984	1 Biswa	Rs. 10,000/-	Rs. 200/-
P-5	15.1.1985	1 Biswa	Rs. 20,000/-	Rs. 400/-
P-6	17.8.1985	1 Biswa	Rs. 48,000/-	Rs. 960/-
P-7	11.11.1985	1 Biswa	Rs. 40,000/-	Rs. 800/-
P-8	12.2.1986	1 Biswa	Rs. 40,000/-	Rs. 800/-
P-9	17.5.1986	1 Biswa	Rs. 21,500/-	Rs. 430/-
P-10	7.4.1988	1 Biswa	Rs. 22,000/-	Rs. 440/-
P-11	14.7.1988	13-1/3 Sq. yards	Rs. 6,000/-	Rs. 450/-
P-12	15.1.1985	1 Biswa	Rs. 20,000/-	Rs. 400/-
P-13	3.11.1988	1 Biswa	Rs. 25,000/-	Rs. 500/-

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Exhibit No.	***Date of sale***	***Area***	***Sale Amount***	***Rate per sq. yard***
P-14	3.10.1989	1 Biswa	Rs. 30,000/-	Rs. 600/-

11. On query as to the location of the land involved in the sale deeds mentioned above, it was stated that the entire sale deeds are out of the land bearing Khasra No. 4501. A perusal of the site plan on record Ex. P-10/A, it is evident that same is located on the Sonepat-Bahalgarh Road just on the main road, within the municipal limits and opposite the Civil Hospital. The area of the sale deeds in question is also very small as the entire sale deeds are for an area of merely of one Biswa (50 sq. yards). Ex. P-11, which was 13-1/3 sq. yard, which means that very small plots of land were dealt with vide these sale deeds, though the transactions took place between 1984 to 1989.

12. From a perusal of the above table, it would be evident that first transaction took place on July 5, 1984 where the rate per sq. yard was Rs. 200/-. The last transaction was took place on October 3, 1989 where the rate was Rs. 600/- per sq. yard. In between there were transaction which show very huge variation in the value of the land ranging from Rs. 200/- on the lower side and Rs. 960/- on the top of it. From the above table, it is quite clear that the transactions involved therein do not depict the real value of the land as otherwise so much of variations cannot be possible where the land is situated just to close to each other. On the other hand, it can be said that the price of the land which went up to Rs. 960/- per sq. yard as is depicted in sale deed Ex. P-6 on August 17, 1985 started reducing thereafter and ultimately reached Rs. 600/- per sq. yard. Not only this even this fact also could not be denied that the land involved in this sale deed was situated on the close part of already urbanized area and opposite Civil Hospital.

13. Then comes other sale deeds on record i.e. Ex. P-15 and Ex. P-16. Ex. P-15 is a sale deed executed on April 28, 1989 pertaining to land measuring 4400 sq. yards for a total consideration of Rs. 5,55,000/- i.e.

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Rs. 120/- per sq. yard. The sale deed Ex. P-16 is also of the same date. This involves 1600 sq. yards of land for a consideration of Rs. 1,90,000/- i.e. Rs. 122/- per sq. yard. In both the sale deeds, it was mentioned that land in question is situated within the municipal limits of Sonepat. As per site plan Ex. P-1 and Ex. P-24, the situation of the land dealt with in Ex. P-15 and Ex. P-16 is on 100' metalled Sectors 14-15 dividing road connected to main Sonepat- Bahalgarh road, which is behind ECE factory.

14. The award of the Land Acquisition Collector pronounced on November 17, 1994 (Ex. P-67 A) cannot possibly be sole consideration for awarding the compensation for the land in question as from site plan Ex. P-24. It is evident that the area of village Jamalpur Kalan, which forms part of Sector 15 Part II falls on main metalled Sonepat-Shahjahan Pur to G. T. Road whereas part of the land in question which is Patti Musalman falls on the back side thereof. Exhibits P-60, P-61 and P-62 are three sales deeds on record, which deal with small areas of land measuring 368-1/2 sq. yards each having the uniform price of Rs. 109/- per sq. yards. The sale deeds were registered on March 23, 1988 and as per recital in the sale deeds, the land is located on Sonepat-Bahalgarh Road. As per site plan Ex. P-34 on record, the area dealt with in sale deeds Ex. P-60 to Ex. P-62 is located just opposite the ECE factory on the main road towards G.T. Road from the city of Sonepat. It is further recited in these sale deeds that land in question is out side the municipal area.

15. A perusal of the site plan Ex. P-10/A also shows that the urban boundary of Sonepat city is only upto near the Civil Hospital.

16. The allotment price for allotment of developed plots by an authority cannot possibly be relied upon as such for the simple reason that it involves internal/external development charges. Further the costs of the land left for common area and other infrastructural facilities is also born out by the plot holders. Accordingly, it could not be safe to assess the price of big chunk of acquired land relying upon the price of developed plots. There are other instances of sale of various small pieces of land on record, however, some have already been considered whereas some have neither

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been relied upon by either of the parties nor are clearly evident from the site plans on record.

17. As far as future potential of the area in question is concerned, there are four sale deeds on record Ex. P-17 to Ex. P-19 and Ex. P-29, which are dated December 28, 1990 dealing with an area of 600 to 1000 sq. yards and falling in the same adjoining Khasra having uniform rate of sale i.e. Rs. 160/- per sq. yard. This land is also situated just adjoining the land, which was dealt with vide Ex. P-15 and Ex. P-16 at the rate of Rs. 126/- and Rs. 122/- per sq. yard respectively on April 28, 1989. To be more specific the fact is that entire land forming part of Ex. P-15 to Ex. P-19 and Ex. P-29 is situated on the 100' metalled road dividing Sectors 14-15 connected to Sonepat -Bahalgarh G.T. Road. Firstly any sale transaction entered into after the acquisition of the land cannot be taken into consideration. Secondly even if taken on its face value, appreciation in price in a period of about 1 year and 8 months was merely Rs. 34/- per sq. yard. Considering the fact that area in question involved in various sale deeds as referred to above is very small and the fact that it is situated on the 100' metalled road, compensation for the entire land which is situated on the back side of E.C.E. factory cannot possibly be assessed at the same rate.

18. As far as difference in assessment of rates of compensation assessed for the lands situated on both sides of the road is concerned, I am of the opinion on a perusal of site plan, it is evident that location and value of both the lands is different and so the evidence brought on record by the appellants showing value of the land. Whereas, land on the left side of Sonepat-Bahalgarh road is situated not on the main road but behind the ECE factory, which is situated on main road whereas the land on the right side of the Sonepat-Bahalgarh Road is situated abutting the main road.

19. Keeping in view the above discussions and also the fact that the land in question was acquired for development thereof as a residential area and the fact that in the neighbouring villages the land was consequently acquired for development thereof also as urban area, the appellants/claimants deserve some relief keeping in view the future

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potential of the acquired land, otherwise just compensation of the land, on the basis of material brought on record by the parties, has already been granted by the court below.

20. Accordingly, the compensation awarded by the Court below deserves to be enhanced to Rs. 135/- per sq. yard as against Rs. 125/- per sq. yard granted for the acquired land, which is situated behind ECE factory and the compensation for the acquired land situated on the Sonepat-Bahalgarh Road is concerned, the same is enhanced to Rs. 160/- per sq. yard as against Rs. 150/- per sq. yard granted by the Court below.

21. The appellants/claimants shall also be entitled to statutory benefits as have already been granted by the Court below on the enhanced compensation, as well.

22. The appeals No. 957 to 959, 1384, 1715 to 1718, 1740, 1764 to 1766, 1930 to 1933, 1991, 1997, 1998, 2173, 2174, 2185, 2186, 2188, 2611, 2612, 2621 to 2627, 2648, 2678, 2718, 2741, 2767, 2786 to 2788, 2790, 3257, 3258, 3386, 3460, 4434, 4473, 4701, 5049, 5050, 5150, 5431, 5717, 5757, 5785, 5786 of 2001, 419, 3950 of 2002 and 2894 of 2003 are accordingly, accepted with costs.

23. The appeals No. 5647 to 5707 of 2001, 541 to 552, 630 and 631 of 2002 filed by the State of Haryana are dismissed.

September 24, 2007 **(Rajesh Bindal)**
Pka **Judge**